

REMARKS

The above amendments and these remarks are responsive to the Office action dated December 15, 2009. Claims 33–60 are pending in the application. Claims 33–60 are rejected. By way of the present amendment, claims 33–60 are cancelled, new claims 61–95 are added, and the specification is amended. Support for the new claims and amendment to the specification may be found in the original claims, Figs. 1–2B, page 6, lines 26–28, and generally throughout the application as filed. No new matter has been added.

In view of the amendments above, and the remarks below, applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Amendment to the Specification

The specification has been amended to correct a typographical error.

Interview on March 25, 2010

As an initial matter, applicant thanks Examiners Page and Thai for their time and suggestions during a telephonic interview on March 25, 2010 (the interview). During the interview, applicant discussed with the Examiners proposed new claims 61–92, which were generally similar to the above claims, in view of the cited Harter (US2206697) and Kim (US4558609) references. During the interview, Examiner Page agreed that the proposed independent claims should overcome the cited Harter and Kim references. In addition, Examiner Page offered suggestions regarding additional claim elements that would further distinguish the cited references.

Rejections under 35 USC § 103

Claims 33–60 stand rejected under 35 U.S.C. § 103(a). Applicants have cancelled claims 33–60, thereby rendering the rejections of those claims moot.

New Claims

Claim 61 and its Dependent Claims

New claim 61 recites a contact-indicating device that includes, amongst other elements, an elongate contact element, a body including an opening, and a switch, wherein either axial or transverse movement of the elongate contact element relative to

the opening closes the switch to complete an electric circuit and supply power to an indicating element to provide a contact indication. In contrast, and as discussed during the interview, no combination of the cited Harter and Kim references discloses, or even suggests, that either axial or transverse movement of an element closes a switch to complete an electric circuit and provide a contact indication. Accordingly, new claim 61 is allowable for at least this reason. New claims 62–76, which depend from claim 61, recite additional elements and are allowable for at least the reasons stated above with respect to claim 61.

Claim 62

New claim 62 recites that (1) the tang portion is configured to move with the contact portion and (2) the permitted axial and transverse movement of the elongate contact element relative to the opening is substantially within a single plane. These elements, which were generally discussed during the interview, further distinguish the cited references, and claim 62 is allowable for at least these additional reasons.

Claim 77 and its Dependent Claims

New claim 77 recites a contact-indicating device that includes, amongst other elements, a contact element, a handgrip that includes an opening, and an electric circuit that includes first and second contacts. Either (1) movement of the contact element relative to the handgrip and parallel to the longitudinal axis or (2) pivoting of the contact element relative to the handgrip moves the first contact into electrical contact with the second contact to complete the electric circuit and supply power to the indicating element to provide a contact indication. In contrast, and as discussed during the interview, no combination of the cited Harter and Kim references discloses, or even suggests, that either (1) movement of an element relative to a handgrip and parallel to a longitudinal axis or (2) pivoting of the element relative to the handgrip moves a first contact into electrical contact with a second contact to complete an electric circuit and supply power to an indicating element to provide a contact indication. Accordingly, new claim 77 is allowable for at least this reason. New claims 78–89, which depend from claim 77, recite additional elements and are allowable for at least the reasons stated above.

Claim 78

New claim 78 recites that (1) the tang portion of the contact element is configured to move with the contact portion of the contact element and (2) the permitted pivoting of the contact element relative to the handgrip is substantially about a single axis transverse to the longitudinal axis. These elements, which were generally discussed during the interview, further distinguish the cited references, and claim 78 is allowable for at least these additional reasons.

Claim 90 and its Dependent Claims

New claim 90 recites a contact-indicating device that includes, amongst other elements, a blade element with tang and contact portions, a handle with a cutout, and an electric circuit that includes a sensor. The tang portion is configured to move with the contact portion. Either (1) movement of the blade element relative to the cutout and along the longitudinal axis or (2) pivoting of the blade element about the enlarged tip activates the sensor to complete the electric circuit to provide a contact indication. In contrast, and as discussed during the interview, no combination of the cited Harter and Kim references discloses, or even suggests, that either movement or pivoting of an such an element activates a sensor to complete an electric circuit to provide a contact indication.

New claim 90 further recites that a contact portion of the blade element is configured to simulate at least one sharpened edge. No combination of the cited Harter and Kim references even suggests simulating a sharpened edge.

Accordingly, new claim 90 is allowable for at least these reasons. New claims 91–95, which depend from claim 90, recite additional elements and are allowable for at least the reasons stated above.

Claim 91

New claim 91 recites that the permitted movement and pivoting of the blade element is substantially within a single plane. These elements, which were generally discussed during the interview, further distinguish the cited references, and claim 91 is allowable for at least these additional reasons.

Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Applicant concurrently pays \$78.00 for three additional dependent claims and pays \$65.00 for an extension of time for a response filed within the first month. These fees are being paid via the EFS-WEB fee-payment system and our deposit account number 11-1540. Applicant believes no other fees are now due. Please charge any additional fees required, or credit any overpayments, to our deposit account number 11-1540.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

**CERTIFICATE OF ELECTRONIC
TRANSMISSION**

I hereby certify that this correspondence is being filed electronically via the EFS-Web system at www.uspto.gov on April 14, 2010.

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